

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY GERARD DOWELL-EL,

Petitioner,

**Case No.2:08-CV-11723
HON. GEORGE CARAM STEEH**

vs.

CAROL R. HOWES,

Respondent.

/

**ORDER GRANTING PETITIONER'S MOTION FOR EXTENSION OF
TIME IN WHICH TO FILE OBJECTIONS TO MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [#22]**

Before the court is petitioner's motion for extension of time in which to file objections to the Magistrate Judge's Report and Recommendation, filed on June 3, 2010.¹ On May 14, 2010, Magistrate Judge Paul J. Komives filed a Report and Recommendation recommending that this court deny petitioner's application for the writ of habeas corpus and deny petitioner a certificate of appealability. Pursuant to Rule 72(b) of the Federal Rules of Civil Procedure, petitioner must file any objections he has to the Report and Recommendation within fourteen (14) days from the date of service of the Report and Recommendation. *See* Fed. R. Civ. P. 72(b)(2).

In the present motion, petitioner requests a thirty (30) day extension of time to respond to the Magistrate Judge's Report and Recommendation. Federal Rule of Civil Procedure 6(b) states:

¹ Pursuant to the mailbox rule formulated by the United States Supreme Court, which has "been extended to the filing of various other documents, including objections to a magistrate judge's report and recommendation," petitioner filed his motion for extension of time at the moment it was delivered to prison officials for forwarding to the clerk of the district court on June 3, 2010. *Edgin v. Rising*, No. 06-CV-11743, 2006 U.S. Dist. LEXIS 65616, *4-5 (E.D. Mich. Sept. 14, 2006). The court received and docketed petitioner's motion on June 7, 2010.

“When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires.” Fed. R. Civ. P. 6(b)(1)(A). Petitioner was served with the Report and Recommendation on June 1, 2010, thus commencing the fourteen (14) day period during which petitioner must file his objections. *See* Fed. R. Civ. P. 72(b)(2). Petitioner therefore brings his motion prior to the expiration of the deadline for filing his objections, and has demonstrated that good cause exists for granting an extension of time. The court grants petitioner twenty-one (21) days from the date of service of this order to file his objections to the Report and Recommendation.

Accordingly,

IT IS ORDERED that petitioner’s motion for extension of time in which to file objections to Magistrate Judge’s Report and Recommendation is GRANTED.

IT IS FURTHER ORDERED that petitioner file his objections to the Report and Recommendation within twenty-one (21) days after being served with a copy of this order.

IT IS SO ORDERED.

Dated: June 14, 2010

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on June 14, 2010, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk